



Appendix F: Standard Language



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Standard South Platte River Depletion Language

This project has elements that will cause a depletion to the South Platte River basin. To address the effects this depletion will have on federally listed species downstream that depend on the river for their survival, CDOT, as a state agency, is participating in the South Platte Water Related Activities Program (SPWRAP). CDOT is cooperating with the Federal Highway Administration (FHWA), which provides a federal nexus for the project. In response to the need for formal consultation for the water used from the South Platte basin, FHWA has prepared a Programmatic Biological Assessment (PBA) dated February 22, 2012 that estimates total water usage until 2019. The PBA has since been extended through 2032 and addresses the following species: Least Tern (interior population) (*Sternula antillarum*), pallid sturgeon (*Scaphirhynchus albus*), Piping Plover (*Charadrius melodus*), western prairie fringed orchid (*Platanthera praeclara*), and the Whooping Crane (*Grus americana*). On April 4, 2012, the U.S. Department of Interior Fish and Wildlife Service (USFWS) signed a Biological Opinion that concurs with this approach and requires a yearly reporting of water usage. The extension, which has the same reporting requirements, was signed by the USFWS on March 29, 2019. The water used for this project will be reported to the USFWS at the year's end after the completion of the project as per the aforementioned consultation. Effects to species not addressed in the PBA or affected by causes other than water depletions to the South Platte will be analyzed separately.

Right-of-Way and Relocation Standard Language

Relocation Statement

In certain situations, it may also be necessary to acquire improvements that are located within a proposed acquisition parcel. In those instances where the improvements are occupied, it becomes necessary to “relocate” those individuals from the subject property (residential or business) to a replacement site. The Uniform Act provides for numerous benefits to these individuals to assist them both financially and with advisory services related to relocating their residence or business operation. Although the benefits available under the [Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (Uniform Act)] are far too numerous and complex to discuss in detail in this document, they are available to both owner occupants and tenants of either residential or business properties. In some situations, only personal property must be moved from the real property and this is also covered under the relocation program. As soon as feasible, any person scheduled to be displaced shall be furnished with a general written description of the displacing agency's relocation program that provides, at a minimum, detailed information related to eligibility requirements, advisory services and assistance, payments, and the appeal process. It shall also provide notification that the displaced person(s) will not be required to move without at least 90 days advance written notice. For residential relocatees, this notice cannot be provided until a written offer to acquire the subject property has been presented, and at least one comparable replacement dwelling has been made available. Relocation benefits will be provided to all eligible persons regardless of race, color, religion, sex, or national origin. Benefits under the



[Uniform] Act, to which each eligible owner or tenant may be entitled, will be determined on an individual basis and explained to them in detail by an assigned right-of-way Specialist.

Acquisition Statement

For any person(s) whose real property interests may be impacted by this project, the acquisition of those property interests will comply fully with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act). The Uniform Act is a federally mandated program that applies to all acquisitions of real property or displacements of persons resulting from federal or federally assisted programs or projects. It was created to provide for and ensure the fair and equitable treatment of all such persons. To further ensure that the provisions contained within this act are applied “uniformly,” CDOT requires Uniform Act compliance on any project for which it has oversight responsibility regardless of the funding source. Additionally, the Fifth Amendment of the U.S. Constitution provides that private property may not be taken for a public use without payment of “just compensation.” All impacted owners will be provided notification of the acquiring agency’s intent to acquire an interest in their property including a written offer letter of just compensation specifically describing those property interests. A right-of-way specialist will be assigned to each property owner to assist them with this process.

Statute of Limitations Standard Language

The Federal Highway Administration may publish a notice in the Federal Register, pursuant to 23 United States Code (USC) § 139(l), indicating that one or more Federal agencies have taken final action on permits, licenses, and approvals for a transportation project. If such notice is published, claims seeking judicial review of those Federal agency actions will be barred unless such claims are filed within 150 days after the date of publication of the notice, or within such shorter time period as is specified in the Federal laws pursuant to which judicial review of the Federal agency action is allowed. If no notice is published, then the periods of time that otherwise are provided by the Federal laws governing such claims will apply.